

## **TALKING POINTS**

**Amendment 4561 – Requires public disclosure of all reports delivered to the Appropriations Committee, including the justifications of the President's annual budget request, by the Department of Homeland Security unless such reports contain information that would compromise national security.**

This amendment requires the annual justifications of the President's budget request and all reports directed to be provided to the Appropriations Committees by the Department of Homeland Security (DHS) and its component agencies in H.R. 5441 (and its accompanying reports) be posted on the Department's website within 48 hours of being delivered to the Appropriations Committees unless such information compromises national security.

### **Over 40 reports are required by the 2007 DHS appropriations bill**

The fiscal year 2007 DHS appropriations bill requires over 40 reports to be prepared and delivered to the Appropriations Committees. In addition, DHS provides the Appropriations Committees with annual justifications for the Administration's budget proposals that outline how funding has been spent in previous years and what agency priorities are planned for future years. These reports and justifications are not readily available to other members of Congress or the public.

Few of these reports contain sensitive information involving national security but do contain information that may be of interest to the public, the media or lawmakers who are not members of the Appropriations Committee.

In the interest of transparency and accountability, this information should be available. Certainly taxpayers, the media, and every member of Congress should have access to every Department's budget justifications. This is particularly true for DHS which has received considerable attention since its creation for misuse of federal homeland security funds. It is important that lawmakers are aware of actions being taken by the

Department to ensure the integrity of these funds and to demonstrate how federal resources will be spent in the future.

### **The Senate report scolds DHS for releasing reports to the public**

The Senate Committee report for the 2007 DHS appropriations actually scolds the Department for providing the public with information that the Department was directed to compile for the Appropriations Committees: “The Committee is deeply disappointed in the actions taken by the Department to combine the reporting requirements of this Committee with other reports, and then release the results of those reports publicly, prior to submission to the Committee. Reports to the Committee are not expected to be turned into publicity events again in the future (Report 109-273, Page 70).”

While it is reasonable to expect that these reports would be submitted to policy makers prior to being released to the public, it is wrong to chastise the Department for making these reports available to the public and the media. The Department should be applauded for providing this information and directed to make it a standard practice to share all reports that do not compromise national security with the public.

### **Annual budget justifications should be available to those who pay the taxes, not just those who spend taxes**

Every Department annually provides budget justifications to the Appropriations Committees but not necessarily to other members of Congress or the public. The policy of providing justifications of the President’s budget only to the appropriators reinforces the culture that has led to the earmark “favor” factory reputation of the Appropriations Committees, unaccountable decision making, spending on dubious projects, authorizing on appropriations bills, and other headline grabbing misuses of federal funds.

Last year, the Senate Federal Financial Management Subcommittee (of the Senate Committee on Homeland Security and Government Affairs) requested the budget justifications from every Department that were provided to the Appropriations Committees. After much prodding, most

agencies did agree to deliver the justifications. Several actually only did so after obtaining the “permission” from the Appropriations Committees first (DHS was among the quickest to provide the Department’s justifications).

While the Subcommittee eventually received the documents that were provided to the Appropriations Committee, we did so in a manner that the public would not be able to do. It required a massive amount of staff time and effort to extort these documents. Many members of Congress are not even aware that these documents exist and few are likely to have actually read them despite the fact that they contains detailed explanations of the operations, priorities and goals of every department.

The only conclusion one can draw from how difficult it is to obtain the justifications of the Departments’ budget justifications is that the budget request are NOT justifiable, or that there is something being kept hidden from the public, the media and members of Congress. The same is true of the other reports that DHS and other Departments are directed to provide to the Appropriations Committees in the annual spending bills.

The Federal Financial Management Subcommittee will continue to request these documents every year and just through whatever hoops we must to obtain them. The public and the media, however, will continue to be denied these government documents that do not contain classified information unless this amendment is approved.

If we are truly to have a “government of the people, by the people, for the people,” then the routine operations of the government must no longer be concealed or kept hidden from the people.

Budget justifications should be available to those who pay the taxes, not just those who spend our taxes.

### **Some reports are used to coerce agencies to spend funds on dubious programs**

The 2007 Senate DHS appropriations report directs the Department, in consultation with the Secretary of Transportation, to “submit a report to the Appropriations Committee and the Commerce Committee regarding the future of the LORAN system. The report shall include an analysis of the

costs and benefits of the LORAN system, the merits of maintaining the LORAN system as a back-up navigational aid, and the benefits of using the LORAN system in conjunction with the Global Positioning System. The report shall be submitted to the Committees within 180 days of enactment of this act.”

LORAN is an outdated and rarely used navigation system that utilizes radio signals to determine a shipping vessel’s longitude and latitude. There are 24 LORAN stations across the U.S., six of them are in Alaska.

Since 1997, approximately \$160 million has been appropriated to the Federal Aviation Administration (FAA) to recapitalize LORAN, of which \$117.5 million has been transferred to the Coast Guard. It is estimated that it will take another 6-10 years and more than \$300 million to complete the recapitalization.

A 2005 Federal Radionavigation Plan, the official source of radio-navigation policy and planning for the Federal Government prepared by the Departments of Defense, Transportation and Homeland Security, concluded that LORAN was no longer needed as a positioning, navigation or timing aid for military use.

The FAA has determined that sufficient alternative navigational aids exist and LORAN is not needed as a back-up navigation aid for aviation users.

The Maritime Administration has determined that there would be no disruption in the movement of vessels in and out of U.S. ports without LORAN. The Federal Railroad Administration has stated they have no need for LORAN.

The United States Coast Guard has determined that sufficient back-up are in place to support safe maritime navigation and LORAN is not needed as a back-up navigational aid for maritime safety.

DHS, likewise, has determined that LORAN is not needed as a back-up for timing users, as adequate alternatives are already in place.

Despite these recommendations by DHS and other agencies to terminate operations at LORAN stations, Senator Stevens of Alaska inserted a provision in the 2007 DHS appropriations report to deny the Departments

request to do so and directed DHS to compile a report outlining the merits of maintaining the LORAN system as a back-up navigational aid, and the benefits of using the LORAN system in conjunction with the Global Positioning System.”

Directing DHS to come up with a report of excuses to justify spending hundreds of millions of dollars to continue an outdated navigational system is not an appropriate use of tax dollars. Any report should be disclosed and include the costs and benefits of continuing the LORAN system so an open and public debate can occur.

The same is true of the other reports directed to be completed by DHS for the Appropriations Committee.

**This amendment ensures greater transparency and accountability of taxpayer funds**

This amendment will lift the veil of secrecy around these documents that should be available to every member of Congress who is responsible for approving funding levels for DHS and every other federal department and agency and to the public that provides the funding in the first place. This will provide greater transparency and accountability of federal funding and ensure that the taxpayers, rather than only Washington insiders and bureaucrats, can decide if federal funding and priorities are justifiable.